



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,467	10/07/2005	Tetsujiro Kondo	278694US6PCT	2209
22850	7590	11/18/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
THIRUGANAM, GANDHI				
ART UNIT		PAPER NUMBER		
2624				
NOTIFICATION DATE		DELIVERY MODE		
11/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/552,467	Applicant(s) KONDO ET AL.
Examiner GANDHI THIRUGNANAM	Art Unit 2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: See Continuation Sheet.

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624

/Gandhi Thirugnanam/
Examiner, Art Unit 2624

Continuation of 11. does NOT place the application in condition for allowance because: In Regards to Applicants argument on page 4 paragraph 6 on the claim objection of claim 16, Applicant has clearly pointed out in his argument, paragraph 6 line 4, an "output section" is clearly found in the specification, while an "output" is not. It is also not clear how an output could be configured to do something. The objection of claim 16 stand.

In Regards to the objections to the Specifications and Abstract, the objection to the specification is withdrawn, The change to the Abstract has not been made, thus the objection to the Abstract stands.

In Regards to applicants arguments regarding the USC 112 rejection of Claims 7 and 14, the Examiner does not believe the term "class tap" is explicitly defined. The phrase "extracting multiple pixels corresponding to target pixel in the expanded image as a class tap ...". From this statement it appears that a "class tap" is actually a data structure or way of formatting a group of pixels. If a "class tap" is "multiple pixels corresponding to a target pixel in the expanded image", then what is a "class" or a "tap"? The USC rejections of claims 7 and 14 stand.

In Regards to applicants arguments regarding the USC 102 rejection of claims 1, 8 and 15-16 on page 6-8, that Kondo does not disclose "... into a space-time location, in each image, corresponding to the motion vector ... to output it to as a motion-blurring-mitigated image", It is not clear what Applicant believes the Examiner is missing. As Applicant has admitted, Kondo shows generating a plurality of movement (motion) vectors for frames over time. The movement vectors are based on consecutive frames which is the space and the "Position Information" is the space. Fig. 137 (among many others) shows combining the Background and Foreground component images being combined by and Image Synthesizing Unit. The Foreground component image is based on the movement vector (as shown in Fig. 2). As such the Kondo anticipates "combining a motion blurring-mitigated object image ... into a space-time location, in each image, corresponding to the motion vector... to output it as a motion blurring-mitigated image".

Continuation of 13. Other: While Applicant did remove the numbering in the Abstract, applicant did not change the word "A output" to "An output" in line 7. Applicant is also reminded that amendments to the disclosure MUST include markings. The Specification will be Entered, the Abstract will Not Be Entered.